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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|---------------------------|
| Application Number | 10726,299 |
| Filing Date | December 1, 2003 |
| First Named Inventor | MARK L. ANDERSON |
| Group Art Unit | 1654 |
| Examiner Name | Susan B. McCormick-Ewoldt |
| Attorney Docket Number | 01639.000014 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/28) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☒ Previously submitted

- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on December 12, 2005
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____

b. ☐ Enclosed

- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

- b. ☒ Other Petition under 37 C.F.R. § 1.136(a)

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

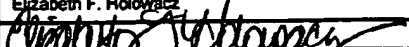
- a. ☒ The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. 06-1205

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 02/09/2006 SZEWDIE1 00000120 10726299
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:1801 790.00 OP
- iii. ☐ Other _____

- b. ☒ Checks in the amount of \$ 790.00 (RCE fee) and \$120 (extension of time fee) are enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|------------------|
| Name (Print/Type) | Elizabeth F. Holowacz | Registration No. (Attorney/Agent) | 42,667 |
| Signature |  | Date | February 8, 2006 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

| | | | |
|-------------------|--|------|--|
| Name (Print/Type) | | Date | |
| Signature | | Date | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Director of the U.S.P.T.O., P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Admitted date: 05/08/2006 SDIRETA1
02/09/2006 SZEWDIE1 00000120 10726299
01 FC:1801 -790.00 OP
NY, MAR 23 2006 11:03:11

05/08/2006 SDIRETA1 00000004 10726299

01 FC:2801

395.00 OP

05/08/2006 SDIRETA1 0010482900

Re: 061205 Name/Number: 10726299 \$395.00 CR

CR: 9204



PATENT MAINTENANCE
DIVISION

Dep & Ref

01639.000014

2006 APR -7 PM 4:30 PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MARK L. ANDERSON ET AL.) Examiner: Susan B. McCormick-Ewoldt
Application No.: 10/726,299) Group Art Unit: 1654
Filed: December 1, 2003)
For: INHIBITION OF P. ACNES USING)
BOTANICAL EXTRACTS) April 5, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicants request a refund of \$395.00. It is requested that the refund be applied as a credit to our Deposit Account 06-1205. The reason for the refund is explained below.

On February 9, 2006, Applicants filed a Request for Continued Examination and Petition Under 37 C.F.R. § 1.136(a). A copy of the Request for Continued Examination and Petition Under 37 C.F.R. § 1.136(a) and return postcard are attached.

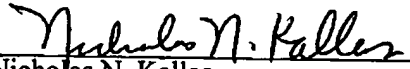
A refund is requested because due to an oversight the Verified Statement of Small Entity Status was not filed with the Request for Continued Examination filed on February 28, 2006.

Accordingly, Applicants hereby request a refund and authorize the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$395.00 to correct this matter.

BEST AVAILABLE COPY

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Nicholas N. Kallas
Attorney for Applicants
Registration No. 31,530

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

NY_MAIN 559961v1

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
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| Application Number | 10/726,299 |
| Filing Date | December 1, 2003 |
| First Named Inventor | MARK L. ANDERSON |
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| Examiner Name | Susan B. McCormick-Ewoldt |
| Attorney Docket Number | 01639.000014 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on December 12, 2005
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other Petition under 37 C.F.R. § 1.136(a)

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. 06-1205
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Checks in the amount of \$ 790.00 (RCE fee) and \$120 (extension of time fee) are enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-----------------------|-----------------------------------|------------------|
| Name (Print/Type) | Elizabeth F. Holowacz | Registration No. (Attorney/Agent) | 42,667 |
| Signature | | Date | February 8, 2006 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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01639.000014

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|-------------------------------------|
| In re Application of: |) | |
| MARK L. ANDERSON ET AL. | : | Examiner: Susan B. McCormick-Ewoldt |
| Application No.: 10/726,299 |) | |
| | : | Group Art Unit: 1654 |
| Filed: December 1, 2003 |) | |
| | : | |
| For: INHIBITION OF P. ACNES USING |) | |
| BOTANICAL EXTRACTS | : | February 8, 2006 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.136(a)

Sir:

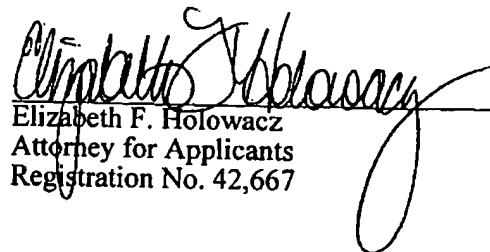
Applicants petition the Commissioner for Patents to extend the time for further action in the above-identified case for one month from January 31, 2006, to February 28, 2006.

Submitted herewith is a check for \$120.00 to cover the fee for the extension under 37 C.F.R. § 1.17. Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 06-1205. A duplicate copy of this petition is enclosed.

BEST AVAILABLE COPY

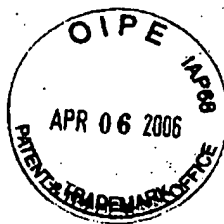
Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Elizabeth F. Holowacz
Attorney for Applicants
Registration No. 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

NY_MAIN 551874v1



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 02 / 09 / 06
Mo. Day Yr.

Atty. Docket 01639.000014
10/726,299

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Specifications, claims and abstract _____ pages, with Transmittal Form
☐ Patent Application Bibliographic Data Sheet _____ sheets
☐ Executed Oath or Declaration and Power of Attorney
☐ _____ Sheets of _____ formal _____ informal drawings
☐ Check for \$ _____ (filing fee)
☒ Request for Continued Examination and Check for \$ 790.00
☐ Assignment, PTO-1595 and Check for \$ _____
☐ Transmittal Under 37 CFR 1.53(d) (CPA)
☒ Petition under 37 CFR 1.136 and check for \$ 120.00
☐ Other (specify) _____

by placing your receiving date stamp hereon and mailing or returning to deliverer.
This is a ☐ Continuation ☐ Divisional ☐ Continuation-In-Part

Atty. NAK/ETH/me

Duc Date 2 / 28 / 06
Mo. Day Yr.

37 CFR 1.8 ☐

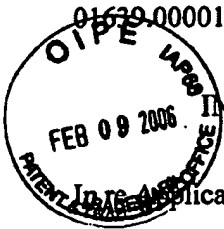
37 CFR 1.10 ☐

By Hand ☒

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01639 000014

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MARK L. ANDERSON ET AL.

Application No.: 10/726,299

Filed: December 1, 2003

For: INHIBITION OF P. ACNES USING
BOTANICAL EXTRACTS

)
: Examiner: Susan B. McCormick-Ewoldt
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: Group Art Unit: 1654
)
:
)
:
)
: February 8, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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02/09/2006 SZEWDIE1 00000121 10726299

1 FC:1251 120.00 OP

Adjustment date: 05/08/2006 SDIRETA1
02/09/2006 SZEWDIE1 00000121 10726299
01 FC:1251 -120.00 OP

05/08/2006 SDIRETA1 00000005 10726299

01 FC:2251 60.00 OP

Repln. Ref: 05/08/2006 SDIRETA1 0010495700
DA#: 061205 Name/Number: 10726299
FC: 9204 \$60.00 CR